# State of Missour



## PUBLIC DEFENDER COMMISSION

# ANNUAL REPORT FISCAL YEAR 1997

## Assuring the Public Defense

The Right to Counsel and the State Public Defender System in Missouri

J. Marty Robinson State Public Defender, Director

> Kathleen L. Jones Comptroller

September 30, 1997

### Missouri State Public Defender System

#### Director's Office

231 E. Capitol Avenue - Jefferson City, MO 65101 Telephone 573-526-5210 Fax 573-526-5213

#### MEMORANDUM

and believes

TO:

Governor Carnahan Chief Justice Benton

Members of the General Assembly

Presiding Judges

FROM:

J. Marty Robinson, Director; and

Members of the State Public Defender Commission

DATE:

September 24, 1997

RE:

Fiscal Year 1997 Annual Report

It is our privilege and great pleasure to present to you this Annual Report of the Missouri State Public Defender System for the fiscal year ended June 30, 1997.

There is good news. Total assigned cases for Missouri's Public Defender System in FY97 were 70,843; virtually unchanged from the 70,509 cases of FY96. This is welcome relief for Missouri's Public Defender System, especially in light of the 15.5% increase in caseload from FY95 to FY96. First degree murder cases and other homicides were down slightly in FY97, as were other felonies. Our only category showing increases were juvenile cases (up 13%) and probation violations (up 17%).

Also of interest is our Department's disposition rate of cases assigned. By disposing of 67,870 cases in FY97, our disposition rate was 95.8% for the year. As we have not been below 100% since FY94, this disposition rate bears watching next year.

For FY97 the Governor and General Assembly approved funding to replace our Department's extremely dated Burroughs Unisys CTOS word processing system with a new computer system. After testing several sites in the fall of 1996, we began installation of this new networked system in all our offices this past spring. Today, all but one office is installed and networked. Information and communications are now available between every office and every employee in our Department at the speed of light. The geography of this state is no longer a barrier to the efficient operation of this Department of State Government.

This year's Annual Report has incorporated caseload on a county by county basis. Most of our offices are multiple county districts, so this new section will allow the reader to see at a glance the caseload trend in any Missouri county.

We hope you find this annual report informative and useful in understanding the integral role Missouri's Public Defender System plays in our criminal justice system. We look back with great pride at where we have been. We also look forward with great anticipation to where we are going.

# PUBLIC DEFENDER COMMISSION

#### ANNUAL REPORT - FISCAL YEAR 1997

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#### PUBLIC DEFENDER COMMISSION

#### **ANNUAL REPORT - FISCAL YEAR 1997**

#### I. The Public Defender System

In response to the guarantee of effective assistance of counsel contained in both the United State and Missouri constitutions, the Missouri State Public Defender System was established on April 1, 1982 as a "system for providing defense services to every jurisdiction within the state by means of a centrally administered organization having a full-time staff." Through this Department of State Government, constitutionally required defense services are provided to eligible persons. This is done through an organized program capable of responding to the needs of all judicial jurisdictions within the state in an efficient, cost-effective manner.

Until 1989 defense services in many parts of the state, usually rural areas, were provided by private attorneys who had contracted with Missouri's Public Defender System to provide such services. In fiscal years 1990 and 1991, the Missouri State Public Defender System was reorganized and the contract system of providing services was eliminated. Contract counsel were replaced by newly established State Public Defender Offices capable of providing services to each jurisdiction of the state.

Today, the Missouri State Public Defender System is organized into three legal service divisions which include: The Trial, Appellate and Capital Divisions. The Trial Division (a map detailing the trial district offices can be found at the end of this report) provides legal services at the trial level throughout the state and is subdivided into thirty-six district offices. The Appellate Division, which provides legal services for cases in the Appellate and Supreme Courts and with post-conviction matters in trial courts, has offices in Kansas City, St. Louis and Columbia. The Capital Division, which provides representation in cases at the trial level where the death penalty is sought, has offices in Kansas City, St. Louis and Columbia.

Every attorney in the Public Defender System handles cases representing indigent Missourians accused of crimes. Management has been reduced to a minimum in order to maximize efficient use of the state's resources.

#### Mission Statement

The mission of the Missouri State Public Defender System is to provide high quality, zealous advocacy for indigent people who are accused of crime in the State of Missouri.

The lawyers, administrative staff and support staff of the Public Defender System will ensure that this advocacy is not compromised.

To provide this uncompromised advocacy, the Defender System will supply each client with a high-quality, competent, ardent defense team at every stage of the process in which public defenders are necessary.

#### II. What does a Public Defender Do?

Every Missouri Public Defender is an attorney, licensed to practice law in the State of Missouri. When an individual is accused of a crime and requests a lawyer, a referral is made to the public defender office handling the cases in that particular jurisdiction. After an accused makes application for public defender services, the defender makes a determination using financial guidelines established by the State Public Defender Commission as to whether or not the accused is eligible for public defender representation. If the accused is found eligible by the defender, the defender then undertakes representation of the accused. If the defender does not find the accused eligible, the accused may appeal the defender's determination to the court. Only then, and only if the court disagrees with the defender's determination, may a court order the defender to represent the accused.

In most jurisdictions, the public defender is the legal counsel for 75-80% of the cases on the criminal docket. The process of representing the indigent accused includes representing the client in all facets of the case. Defenders must interview witnesses, file for discovery, prepare and file required motions, negotiate with the prosecution, prepare trial strategy and do the legal research necessary to represent the client in a court of law. Representation of the accused extends to an appeal if after the trial, the defendant is found guilty.

Using data from fiscal year 1997 a composite example of a "typical defender" can be developed. The "typical defender" will close 250 cases in the course of one year. This means the defender must dispose an average of one case each workday to insure successful management of the cases assigned. Approximately 107 of the cases disposed by the "typical defender" in a year are felonies. The breakdown by category of cases handled by the "typical defender" is presented on the following page.

FY97 State Public Defender Systemwide Composite Public Defender									
Description	Cases Represented								
Homicide A-B Felony C-D Felony Misdemeanor Juvenile Post Conviction Relief Probation Violations Appeals	1 20 86 77 14 2 47 3								
Total Average Cases Per System Attorney	250								

Given the workload of our "typical defender," the demand on attorney time is extremely high. The average Public Defenders provide representation in 250 cases each year; more than one per day every work day of every week for the entire year. Providing effective assistance of counsel in each case demands a well-trained, highly experienced corps of dedicated attorneys.

Recent salary increases have greatly improved attorney retention. Attorney turnover has been reduced from 20% per year to just 8%. The more experienced and better trained public defenders have been able to handle higher caseloads.

#### III. Caseload and Cost Highlights

#### A. Caseload

#### 1. New Cases

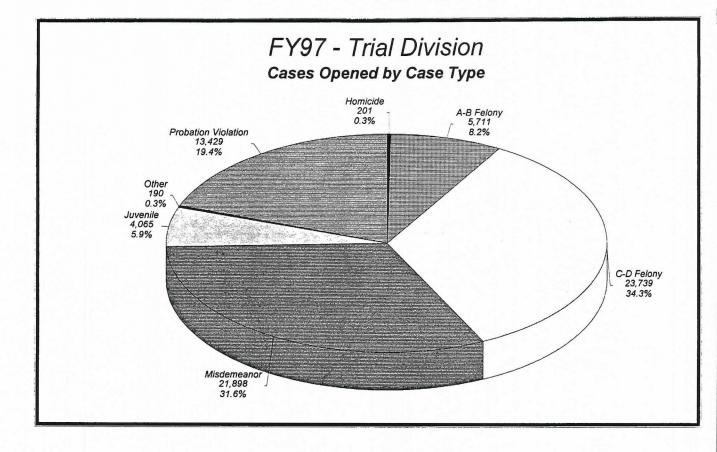
The State Public Defender System's Trial Division opened 69,233 new cases in Fiscal Year 1997. The greatest numbers of cases are reflected in the felony and misdemeanor caseloads.

Felony Cases Opened - 29,651 or 43 % of the total caseload

Misdemeanor Cases Opened - 21,898 or 32% of the total caseload

Juvenile Cases Opened - 4,065 or 6% of the total caseload

0	FY97 - TRIAL DIVISION Opened Cases by Case Type Case Type Cases							
Case Type #	Description	Cases Assigned						
10	Murder - Death Penalty	19						
15	Murder - 1st Degree	114						
20	Other Homicide	68						
30	A-B Felony	5,711						
35	C-D Felony	23,739						
40	Misdemeanor	17,752						
45	Misdemeanor - Traffic	4,146						
50	Juvenile - Status	855						
52	Juvenile - Criminal	3,210						
54	PCR - Rule 24	2						
59	PCR - Rule 29	1						
60	Chapter 552	112						
65	Probation Violation	13,429						
75	Writ	22						
80	Appeal	43						
82	Direct Appeal	10						
	Total Trial Division							
	Assignments	69,233						



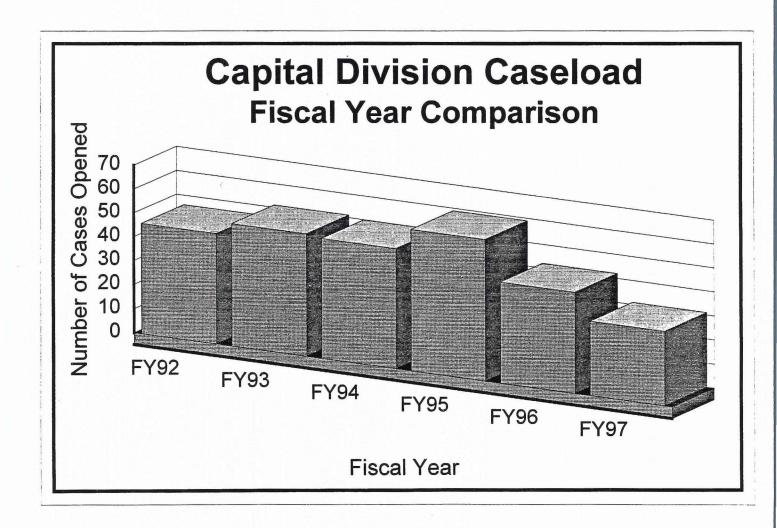
FY97 - TRIAL DIVISION CASE ASSIGNMENTS BY DISTRICT									
District #	District Name	Cases Assigned	District #	District Name	Cases Assigned				
1	St. Louis Juvenile	1,624	24	Farmington	1,634				
2	Kirksville	383	25	Rolla	1,877				
4	Maryville	536	26	Lebanon	1,501				
5	St. Joseph	1,507	28	Nevada	812				
7	Liberty	2,143	29	Carthage	3,351				
10	Hannibal	896	30	Buffalo	1,032				
11	St. Charles	1,751	31	Springfield	2,584				
12	Fulton	1,681	32	Cape Girardeau	2,077				
13	Columbia	2,516	34	Caruthersville	556				
14	Moberly	931	35	Kennett	1,477				
15	Sedalia	1,728	36	Poplar Bluff	1,350				
16	Kansas City	9,969	37	West Plains	557				
17	Harrisonville	2,053	39	Monett	1,595				
19	Jefferson City	1,026	43	Chillicothe	1,728				
20	Union	1,185	44	Ava	543				
21	St. Louis County	5,048	45	Troy	676				
22	St. Louis City	8,282	47	Springfield Conflicts	350				
23	Hillsboro	1,435	49	St. Louis City Conflicts	838				
	and the second s		624		69				

BY DISTRICT												
District #	District Name	FY96 Cases Assigned	FY97 Cases Assigned	# Change	% Change	District #	District Name	FY96 Cases Assigned	FY97 Cases Assigned	# Change	% Change	
1	St. Louis Juvenile	0	1,624	1,624		24	Farmington	1516	1,634	118	7%	
2	Kirksville	386	383	(3)	-1%	25	Rolla	2198	1,877	(321)	-17%	
4	Maryville	528	536	8	1%	26	Lebanon	1405	1,501	96	6%	
5	St. Joseph	1,915	1,507	(408)	-27%	28	Nevada	799	812	13	2%	
/	Liberty	2,189	2,143	(46)	-2%	29	Carthage	3498	3,351	(147)	-4%	
10	Hannibal	846	896	50	6%	30	Buffalo	913	1,032	119	12%	
11	St. Charles	1,657	1,751	94	5%	31	Springfield	2242	2,584	342	13%	
12	Fulton	1,421	1,681	260	15%	32	Cape Girardeau	2275	2,077	(198)	-10%	
13	Columbia	2,902	2,516	(386)	-15%	34	Caruthersville	977	556	(421)	-76%	
14	Moberly	1,004	931	(73)	-8%	35	Kennett	1198	1,477	279	19%	
15	Sedalia	1,734	1,728	(6)	-0%	36	Poplar Bluff	1481	1,350	(131)	-10%	
16	Kansas City	9,073	9,969	896	9%	37	West Plains	545	557	12	2%	
17	Hamisonville	1,739	2,053	314	15%	39	Monett	1586	1,595	9	1%	
19	Jefferson City	1,099	1,026	(73)	-7%	43	Chillicothe	1462	1,728	266	15%	
20	Union	910	1,185	275	23%	44	Ava	460	543	83	15%	
21	St. Louis County	5,375	5,048	(327)	-6%	45	Troy	578	676	98	14%	
22	St. Louis City	9,803	8,282	(1,521)	-18%	47	Springfield Conflicts	511	350	(161)	-46%	
23	Hillsboro	1,268	1,435	167	12%	49	St. Louis City Conflicts	866	838	(28)	-3%	
							Total Trial Division Assignments	68359	69,232	873	1%	

	by Case Type	<b>e</b>
Case Type #	Description	Cases Assigned
10	Murder - Death Penalty	5
15	Murder - 1st Degree	9
20	Other Homicide	2
30	A-B Felony	44
35	C-D Felony	169
40	Misdemeanor	14
52	Juvenile - Criminal	10
54	PCR - Rule 24	19
59	PCR - Rule 29	8
60	Chapter 552	22
65	Probation Violation	8
80	Appeal	19
	Total Conflict	
	Assignments	329

	EV07 A	anallata Division	Cacaland	
	ment of the common many times the common of	opellate Division ( es Opened and Cl	The major of the state of the s	
		o opened and on		
	Central Office	Eastern Office	Western Office	Totals
	Columbia	St. Louis City	Kansas City	
Direct Appeals				
Open	200	134	91	425
Closed	278	71	47	396
Murder 1st App	eale			
Open Open	13	3	2	18
Closed	23	0	1	24
Closed	23	U	1	24
PCR Appeals				
Open	160	91	73	324
Closed	220	55	108	383
29.15 Hearings				
Open	30	26	16	72
Closed	79	38	40	157
24.035 Hearing				
Open	203	98	110	411
Closed	156	32	79	267
Totals				
Open	606	352	292	1,250
Closed	756	196	275	1,230
Olosed	730	190	2/5	1,221

FY96 - Capita (DEATH P	THE PARTY OF A STREET OF THE STREET	and the second	d
	Opened	Closed	Currently Open
Central Office - Columbia	13	13	22
Eastern Office - St. Louis	14	8	21
Western Office - Kansas City	4	11	5
	31	32	48



#### 2. Cases Closed

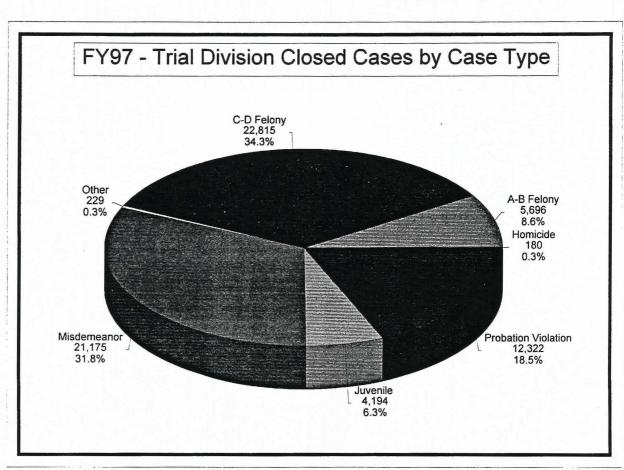
The State Public Defender System's Trial Division closed 66,610 cases in Fiscal year 1997. This is more than double the number of closed cases since 1984 when the State Public Defender System closed 31,730 cases

BY DISTRICT									
District #	District Name	Cases Disposed	District #	District Name	Cases Disposed				
1	St. Louis Juvenile	1,880	24	Farmington	1,657				
2	Kirksville	416	25	Rolla	2,040				
4	Maryville	529	26	Lebanon	1,470				
5	St. Joseph	1,625	28	Nevada	805				
7 .	Liberty	2,065	29	Carthage	3,214				
10	Hannibal	854	30	Buffalo	971				
11	St. Charles	1,869	31	Springfield	2,585				
12	Fulton	1,679	32	Cape Girardeau	1,757				
13	Columbia	1,874	34	Caruthersville	521				
14	Moberly	653	35	Kennett	1,333				
15	Sedalia	1,753	36	Poplar Bluff	1,040				
16	Kansas City	9,054	37	West Plains	534				
17	Harrisonville	2,034	39	Monett	1,623				
19	Jefferson City	797	43	Chillicothe	1,705				
20	Union	1,355	44	Ava	541				
21	St. Louis County	4,680	45	Troy	658				
22	St. Louis City	8,572	47	Springfield Conflicts	291				
23	Hillsboro	1,404	49	St. Louis City Conflicts	772				
				Total Trial Division FY97 Dispositions	66,610				

# FY97 - TRIAL DIVISION CASE DISPOSITIONS BY DISTRICT FISCAL YEAR COMPARISON

District #	District Name	FY96 Cases Disposed	FY97 Cases Disposed	# Change	% Change	District #	District Name	FY96 Cases Disposed	FY97 Cases Disposed	# Change	% Change
1	St. Louis Juvenile	0	1,880	1,880	*	24	Farmington	1356	1,657	301	22%
2	Kirksville	380	416	36	9%	25	Rolla	2121	2,040	(81)	-4%
4	Maryville	496	529	33	7%	26	Lebanon	1378	1,470	92	7%
5	St. Joseph	2,055	1,625	(430)	-21%	28	Nevada	724	805	81	11%
7	Liberty	2,081	2,065	(16)	-1%	29	Carthage	3495	3,214	(281)	-8%
10	Hannibal	812	854	42	5%	30	Buffalo	836	971	135	16%
11	St. Charles	1,581	1,869	288	18%	31	Springfield	2194	2,585	391	18%
12	Fulton	1,406	1,679	273	19%	32	Cape Girardeau	2223	1,757	(466)	-21%
13	Columbia	2,964	1,874	(1,090)	-37%	34	Caruthersville	1038	521	(517)	-50%
14	Moberly	957	653	(304)	-32%	35	Kennett	1204	1,333	129	11%
15	Sedalia	1,714	1,753	39	2%	36	Poplar Bluff	872	1,040	168	19%
16	Kansas City	8,611	9,054	443	5%	37	West Plains	584	534	(50)	-9%
17	Harrisonville	1,652	2,034	382	23%	39	Monett	1595	1,623	28	2%
19	Jefferson City	1,097	797	(300)	-27%	43	Chillicothe	1389	1,705	316	23%
20	Union	977	1,355	378	39%	44	Ava	443	541	98	22%
21	St. Louis County	6,753	4,680	(2,073)	-31%	45	Тгоу	512	658	146	29%
22	St. Louis City	10,587	8,572	(2,015)	-19%	47	Springfield Conflicts	688	291	(397)	-58%
23	Hillsboro	1,284	1,404	120	9%	49	St. Louis City Conflicts	863	772	(91)	-11%
							Total Trial Division Dispositions	68922	66,610	(2,312)	-3%

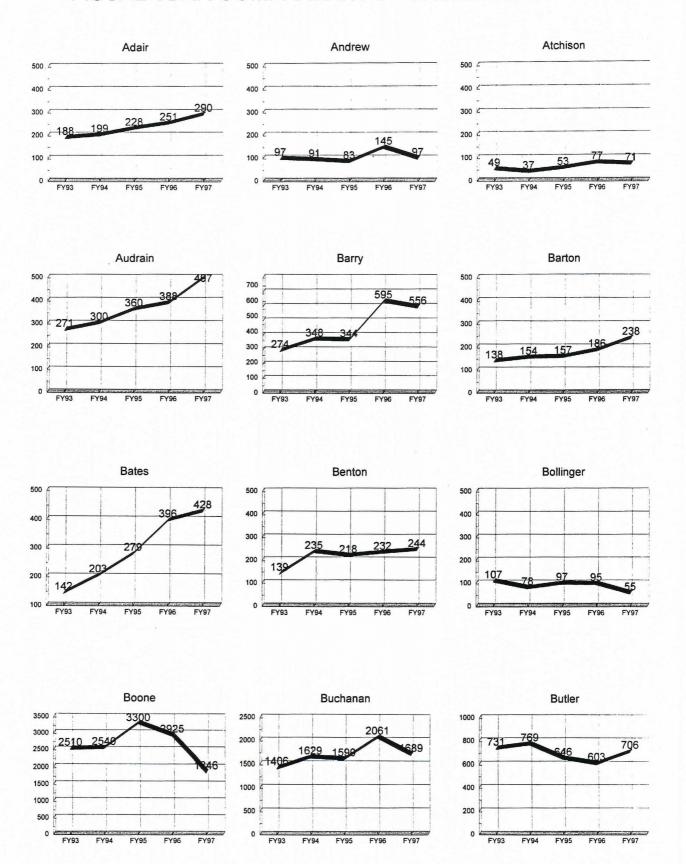
	FY97 Trial Division									
	Close	d Cases By Case	е Туре							
	Case Type	Description	Number Disposed							
	10	Murder - Death Penalty	21							
1	15	Murder I	96							
	20	Other Homicide	63							
	30	A-B Felony	5,696							
1	35	C-D Felony	22,815							
	40	Misdemeanor	17,405							
	45	Misdemeanor - Traffic	3,770							
1	50	Juvenile - Status	899							
-	52	Juvenile - Criminal	3,295							
	54	PCR Rule 24	22							
	59	PCR Rule 29	6							
ı	60	Chapter 552	128							
	65 75	Probation Violation	12,322							
	75 80	Writ	14							
	82	Appeal	41							
1	02	Direct Appeal	18							
		Total Trial Division	176 경기							
ı		Dispositions	66,611							



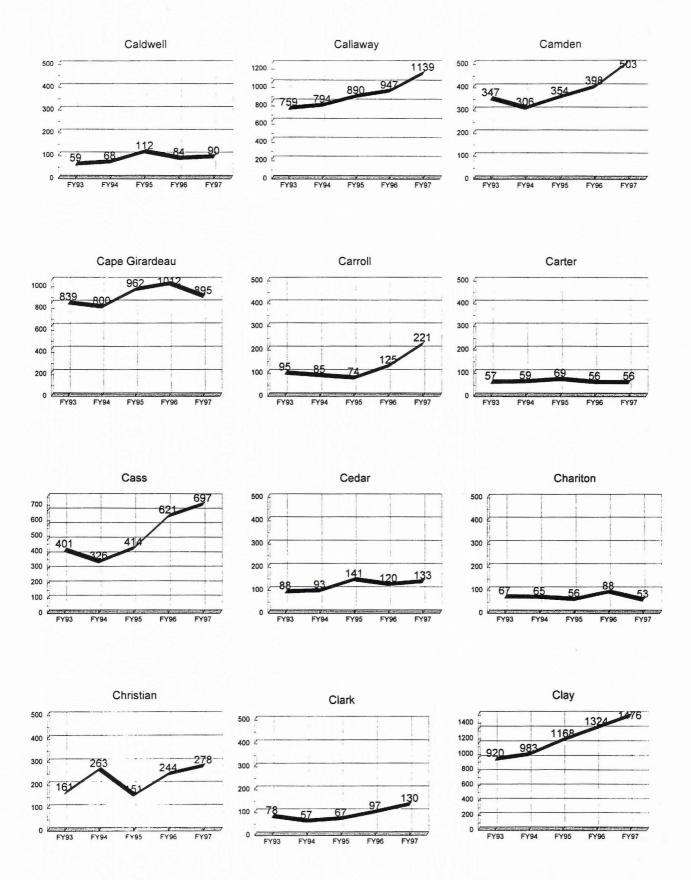
#### Fiscal Year 1997 - Trial Division Caseload Assigned and Disposed by County

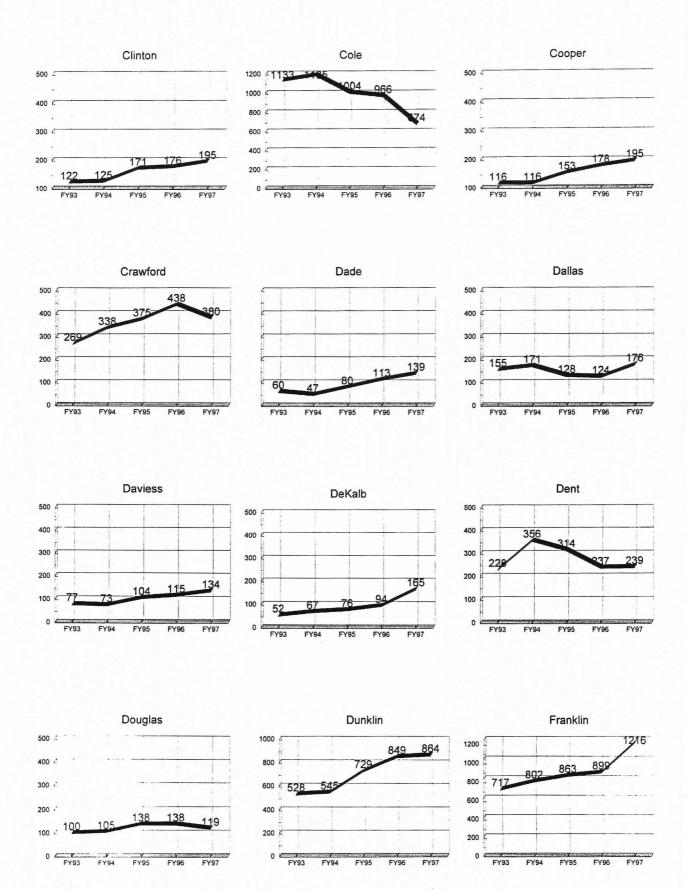
County	FY97 Assigned	FY97 Disposed	County	FY97 Assigned	FY97 Disposed	County	FY97 Assigned	FY97 Disposed	County	FY97 Assigned	FY97 Disposed
Adair	295	290	Dallas	177	176	Livingston	414	363	Randolph	441	343
Andrew	95	97	Daviess	137	134	Macon	192	121	Ray	231	256
Atchinson	79	71	DeKalb	190	165	Madison	69	80	Reynolds	35	48
Audrain	510	497	Dent	207	239	Maries	66	75	Ripley	182	160
Barry	598	556	Douglas	143	119	Marion	441	417	Saline	355	346
Barton	238	238	Dunklin	950	864	McDonald	454	496	Schuyler	42	47
Bates	385	428	Franklin	1,072	1,216	Mercer	45	52	Scotland	33	45
Benton	264	244	Gasconade	153	149	Miller	188	179	Scott	510	461
Bollinger	54	55	Gentry	34	40	Mississippi	390	284	Shannon	57	65
Boone	2,466	1,846	Greene	1,775	1,765	Moniteau	71	72	Shelby	127	126
Buchanan	1,587	1,689	Grundy	199	195	Monroe	69	61	Ste. Genevieve	120	137
Butler	970	706	Harrison	159	182	Montgomery	64	61	Stoddard	482	431
Caldwell	87	90	Henry	696	635	Morgan	162	173	Stone	475	506
Callaway	1,163	1,139	Hickory	110	106	<b>New Madrid</b>	237	220	St. Charles	1,581	1,660
Camden	501	503	Holt	65	55	Newton	784	778	St. Clair	211	227
Cape Girardea	1,005	895	Howard	77	56	Nodaway	152	166	St. Francois	941	924
Carroll	210	221	Howell	420	405	Oregon	124	100	St. Louis City	10,051	10,285
Carter	87	56	Iron	163	156	Osage	58	43	St. Louis Co.	5,551	5,440
Cass	701	697	Jackson	10,107	9,060	Ozark	142	147	Sullivan	60	61
Cedar	151	133	Jasper	2,242	2,038	Pemiscot	356	320	Taney	694	691
Chariton	68	53	Jefferson	1,495	1,459	Perry	137	121	Texas	213	221
Christian	273	278	Johnson	276	297	Pettis	585	589	Vernon	335	329
Clark	137	130	Knox	17	18	Phelps	609	638	Warren	239	270
Clay	1,412	1,476	Laclede	572	527	Pike	259	258	Washington	313	295
Clinton	222	195	Lafayette	391	386	Platte	293	322	Wayne	111	118
Cole	878	674	Lawrence	530	565	Polk	272	253	Webster	248	237
Cooper	186	195	Lewis	91	93	Pulaski	455	536	Worth	18	19
Crawford	357	380	Lincoln	415	397	Putnam	58	48	Wright	236	248
Dade	129	139	Linn	153	98	Ralls	71	76	-		
										69,233	66,661

#### FISCAL YEAR COMPARISON OF CASELOAD BY COUNTY

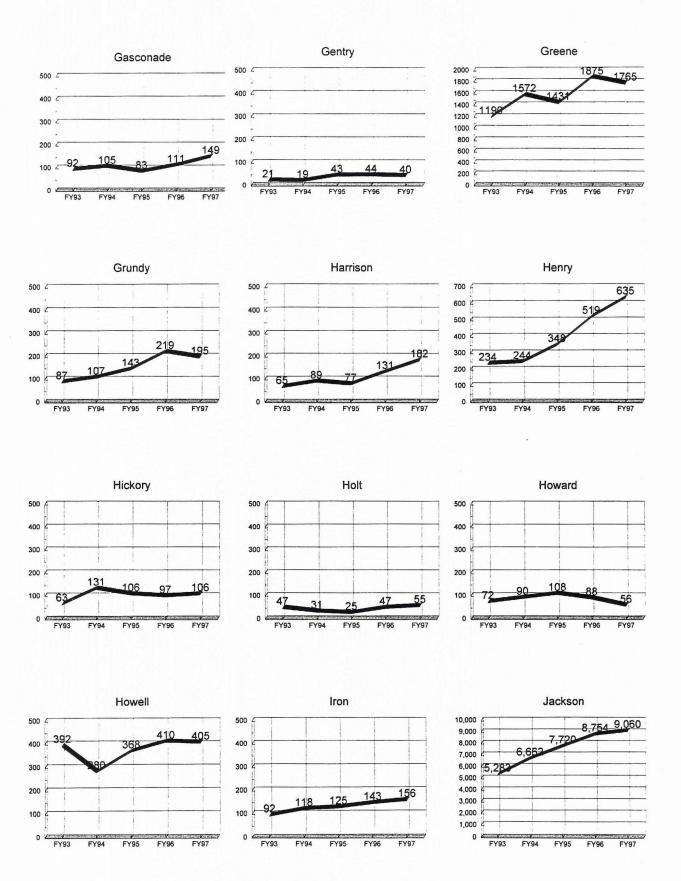


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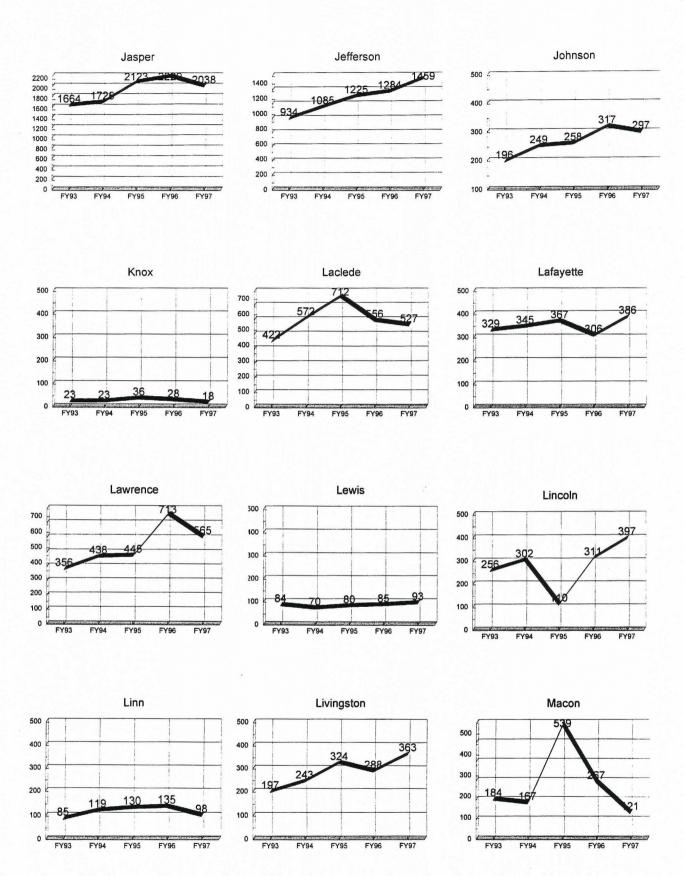


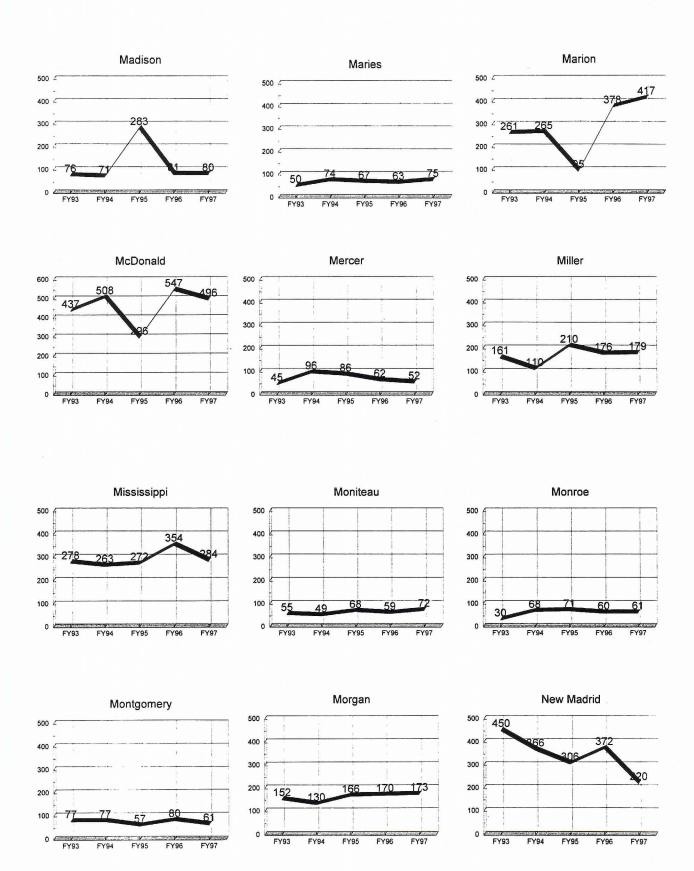


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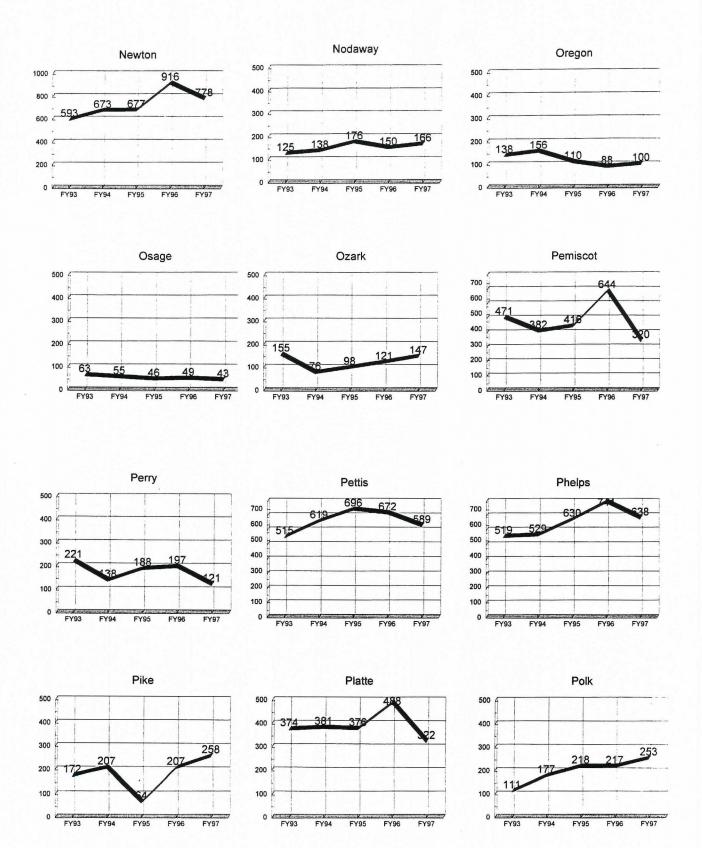


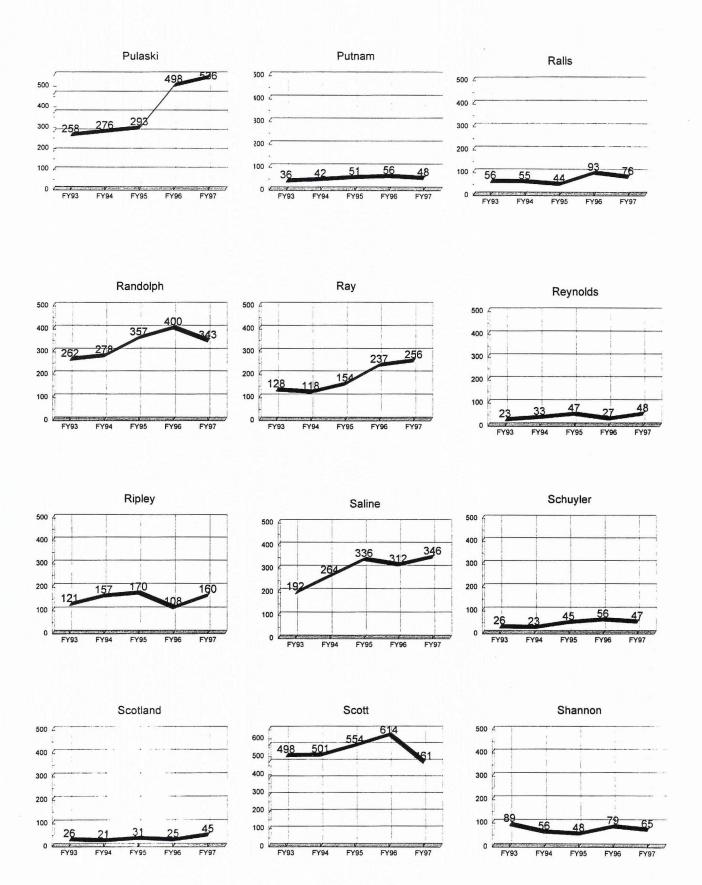
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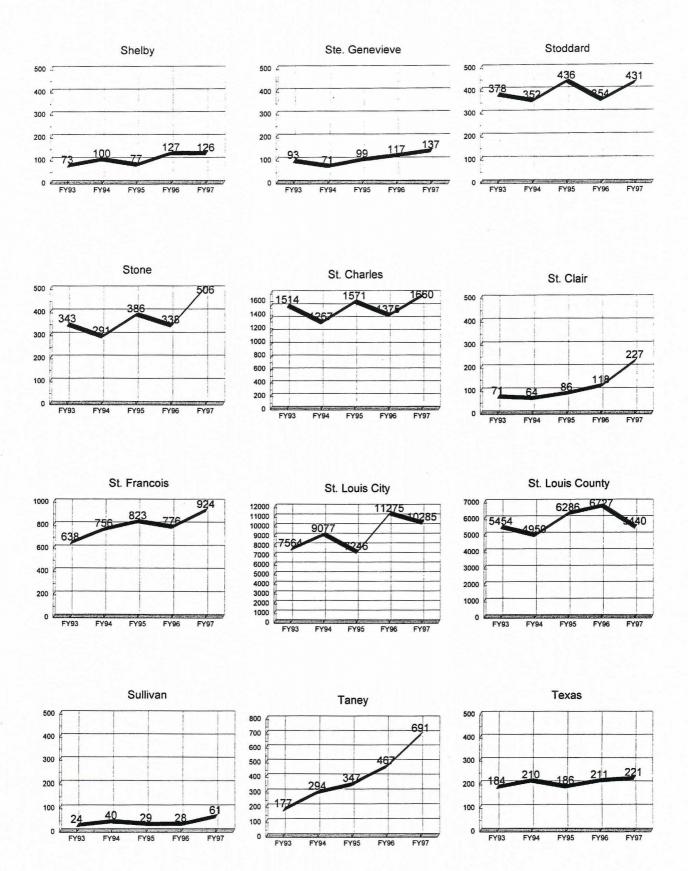


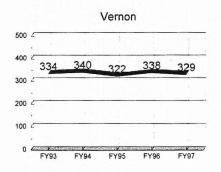
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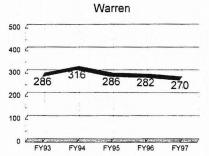


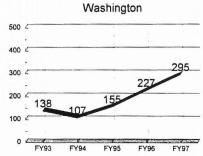


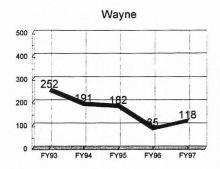
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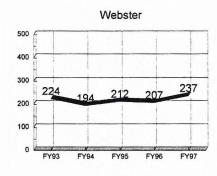


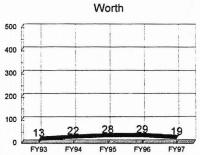


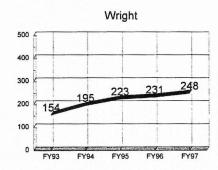












#### 4. Cost of Cases Disposed

The average cost of ALL cases assigned to the State Public Defender System (including Death Penalty Representation) in Fiscal Year 1997 was \$248.31. The Trial Division average was \$178.31. These both compare very favorably to the last computed average under the old appointed counsel system of \$390 per case in fiscal year 1981.

	FISCAL YEAR 1997 - TRIAL DIVISION COSTS PER CASE										
DISTRICT	LOCATION	CURRENT	FY 97 TOTAL COSTS	FY97 CASES	COST PER	FY97 CASES	COST PER				
		DISTRICT DEFENDER	FOR DISTRICT	ASSIGNED	ASSIGNMENT	DISPOSED	DISPOSITION				
1	Juvenile Advocacy	Cathy DiTraglia	\$198,884.09	1,624	\$122.47	1,880	\$105.79				
2	Kirskville	Kirk Zwink	\$92,382.58	383	\$241.21	416	\$222.07				
4	Maryville	Jeff Stephens	\$108,484.03		\$202.40	529	\$205.07				
5	St. Joseph	Anthony Cardarella	\$288,357.12	1,507	\$191.35	1,625	\$177.45				
7	Liberty	Katherine Ladesh	\$536,034.96	2,143	\$250.13	2,065	\$259.58				
10	Hannibal	Raymond Legg	\$197,008.33	896	\$219.88	854	\$230.69				
11	St. Charles	Christine Sullivan	\$446,702.93	1,751	\$255.11	1,869	\$239.01				
12	Fulton	Michael Hamilton	\$228,306.02	1,681	\$135.82	1,679	\$135.98				
13	Columbia	Robert Fleming	\$424,198.12	2,516	\$168.60	1,874	\$226.36				
14	Moberly	Thomas Marshall	\$189,426.97	931	\$203.47	653	\$290.09				
15	Sedalia	Kathleen Brown	\$272,201.76	1,728	\$157.52	1,753	\$155.28				
16	Kansas City	Joel Elmer	\$1,319,037.87	9,969	\$132.31	9,054	\$145.69				
17	Harrisonville	Chase Higinbotham	\$197,587.26	2,053	\$96.24	2,034	\$97.14				
19	Jefferson City	Jan King	\$218,317.01	1,026	\$212.78	797	\$273.92				
20	Union	Lisa Preddy Crane	\$160,428.30	1,185	\$135.38	1,355	\$118.40				
21	St. Louis County	Shawn Goulet	\$1,280,906.68	5,048	\$253.75	4,680	\$273.70				
22	St. Louis City	Mike Naccarato	\$1,700,971.73	8,282	\$205.38	8,572	\$198.43				
23	Hillsboro	Lisa Clover	\$213,838.39	1,435	\$149.02	1,404	\$152.31				
24	Farmington	Renee Murphy	\$231,651.75	1,634	\$141.77	1,657	\$139.80				
25	Rolla	Vacant District Defender	\$287,895.70	1,877	\$153.38	2,040	\$141.13				
26	Lebanon	Ruth Schulte	\$258,341.35	1,501	\$172.11	1,470	\$175.74				
28	Nevada	Joe Zuzal	\$151,647.06	812	\$186.76	805	\$188.38				
29	Carthage	Larry Maples	\$413,271.07	3,351	\$123.33	3,214	\$128.58				
30	Buffalo	Jerry Mongtomery	\$153,002.91	1,032	\$148.26	971	\$157.57				
31	Springfield	Jon Van Arkel	\$356,518.70	2,584	\$137.97	2,585	\$137.92				
32	Jackson	Kent Hall	\$313,898.34	2,077	\$151.13	1,757	\$178.66				
34	Caruthersville	Stefanie Pearlman	\$158,616.04	556	\$285.28	521	\$304.45				
35	Kennett	Catherine Rice	\$169,666.72	1,477	\$114.87	1,333	\$127.28				
36	Poplar Bluff	Wade Schuster	\$171,871.47	1,350	\$127.31	1,040	\$165.26				
37	West Plains	Donna Anthony	\$132,983.90	557	\$238.75	534	\$249.03				
39	Monnett	Victor Head	\$213,838.78	1,595	\$134.07	1,623	\$131.76				
43	Chillicothe	David Miller	\$228,223.61	1,728	\$132.07	1,705	\$133.86				
44	Ava	Brendan Maturen	\$146,630.67	543	\$270.04	541	\$271.04				
45	Troy	Brian Zink	\$139,955.72	676	\$207.04	658	\$212.70				
47	Springfield Conflict	Anna Lasswell	\$145,517.21	350	\$415.76	291	\$500.06				
49	St. Louis Conflicts	Bevy Beimdiek	\$598,042.40	838	\$713.65	772	\$774.67				

<sup>\*49</sup> handles Trial, Appellate, and PCR cases.

FISCAL YEAR 1997 - APPELLATE DIVISION COSTS PER CASE												
DISTRICT	LOCATION	CURRENT DISTRICT DEFENDER	FY 97 TOTAL COSTS FOR DISTRICT	FY97 CASES ASSIGNED	COST PER ASSIGNMENT	FY97 CASES DISPOSED	COST PER					
49	St. Louis Conflicts	Bevy Beimdiek	\$598,042.40	838	\$713.65	772	\$774.67					
50	Columbia Appellate	Steve Harris	\$1,447,920.64	606	\$2,389.31	756	\$1,915.24					
51	St. Louis Appellate	Deborah Wafer	\$534,298.68	352	\$1,517.89	196	\$2,726.01					
52	Kansas City Appellate	Susan Hogan	\$420,733.98	292	\$1,440.87	275	\$1,529.94					

\*49 handles Trial, Appellate, and PCR cases.

FISCAL YEAR 1997 - CAPITAL DIVISION COSTS PER CASE												
DISTRICT	LOCATION	CURRENT DISTRICT DEFENDER	FY 97 TOTAL COSTS FOR DISTRICT	FY97 CASES ASSIGNED	COST PER ASSIGNMENT	FY97 CASES DISPOSED	COST PER DISPOSITION					
53	Columbia Capital	Nancy McKerrow	\$894,913.81	13	\$68,839.52	13	\$68,839.52					
54	St. Louis Capital	Robert Wolfrum	\$909,378.86	14	\$64,955.63	8	\$113,672.36					
55	Kansas City Capital	Cynthia Short	\$567,457.74	4	\$141.864.44	11	\$51,587.07					

#### B. Case Activity

In addition to the number of cases, the disposition of those cases once in the court system has a dramatic impact on the workload of Missouri's public defenders. Although the smallest in number, cases going to trial place the highest demand on an attorney's time. Several hours of pretrial preparation, hearings and motions are required for each hour actually spent in trial. Many cases do not require a trial for disposition but are disposed of only after a court hearing before the judge. These cases can include juvenile hearings, probation revocation hearings and preliminary hearings which also require considerable research and preparation before the actual court appearance.

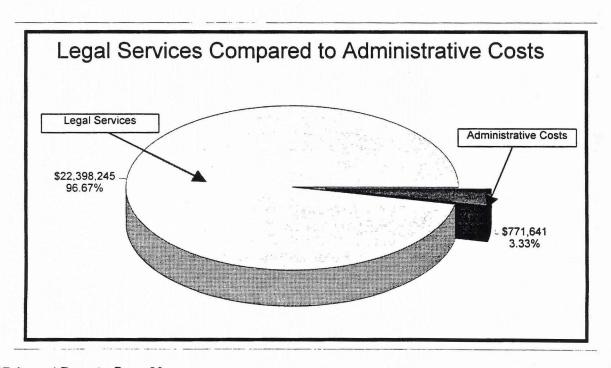
Other dispositions, such as guilty pleas, dismissals and withdrawals, also place a crushing time burden on Missouri's public defenders. Some individual cases may require very little attorney time before the case is disposed of by plea or other disposition. Some cases require considerable preparation, investigation and negotiation before the case can be disposed of by plea or dismissal. In either event, the sheer volume of cases places an extreme demand on the time of Missouri's public defenders and staff.

	FY97 Trial Division Closed Cases By Disposition Type	
Disposition Type	Description	Cases Closed
1 2 3 4 5 6 7 10 11 12 13 16 20 25 30 32	Withdrawn Dismissed/Withdrawn NGRI Guilty Plea Court Trial Jury Trial Hearing Juvenile Hearing Certification Hearing Juvenile Informal PCR w/o Hearing PCR w/ Hearing 552 Determination Probation Violation Hearing Writ for preliminary w/ writ granted Writ for preliminary w/ writ denied	8,915 12,109 99 31,301 283 460 8,851 776 38 82 0 1 39 3,638 4 0
35	Appeal Decision  Total Dispositions	13 66,610

#### C. Cost of Public Defender System

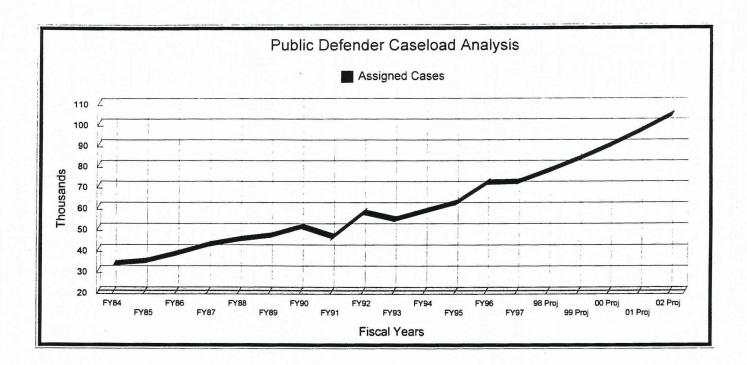
The total Fiscal Year 1997 appropriations of the State Public Defender System are as follows in the table below:

Director's Office - Administrative Support Personal Service (20.00 FTE) Expense & Equipment	\$611,900 \$771.641
Defender Services - Direct Client Representation Personal Service (458.388 FTE)	\$15,054,078
Expense & Equipment Program Specific Distribution	\$3,146,853 \$1,104,495
Federal and Other Funds - Direct Client Representation Personal Service (2 FTE)	\$59,061
Expense & Equipment  Legal Defense & Defender Fund - Training and One Time Equipment	\$38,086
Personal Service (1.00 FTE)  Expense & Equipment	\$29,822 \$556,000
Homicide/Conflict Expenses - Direct Client Representation Expense & Equipment	\$2,059,850
Debt Offset Revolving Fund	\$350,000E



#### IV. Caseload Increase

An analysis of the caseload of the State Public Defender system shows a continued increase. In FY97 the State Public Defender System handled 70,843 assigned cases. The projection for FY98 is 76,221 and for FY99 is 82,074. By the fiscal year 2002, it is projected that the State Public Defender System will be responsible for representation in over 102,972 criminal cases.



August, 1997

# Missouri State Public Defender System

		1st Degree	Other	N.	flurder + Felony					Probation		Total Total		Disposed/
		Murder	Homicide	Felony	Caseload	Misdemeanor	Juvenile	PCR	Other	Violations	Appeals	Assigned	Disposed	Assigned Rat
FY02 PROJECTION	2002	181	113	39,006	39,300	32,141	4,693	653	118	24,901	1,166	102,972	91,823	0.891
FY01 PROJECTION	2001	179	106	36,927	37,212	29,770	4,563	623	125	22,010	1,092	95,395	86,437	0.906
FY00 PROJECTION	2000	176	98	34,959	35,233	27,574	4,435	593	132	19,456	1,022	88,445	81,366	0.920
FY99 PROJECTION	1999	174	91	33,096	33,361	25,541	4,312	565	140	17,198	957	82,074	76,593	0.933
FY98 PROJECTION	1998	171	85	31,333	31,589	23,657	4,192	538	148	15,201	896	76,221	72,100	0.945
FY97 ACTUAL	1997	169	79	29,663	29,911	21,912	4,075	513	156	13,437	839	70,843	67,870	0.958
FY96 ACTUAL	1996	175	88	30,198	30,461	23,069	3,612	707	178	11,444	1,038	70,509	70,664	1.002
FY95 ACTUAL	1995	256	109	27,688	28,053	17,696	3,916	719	165	9,362	1,138	61,049	61,710	1.010
FY94 ACTUAL	1994	255	152	25,338	25,745	17,852	3,374	682	201	8,225	1,017	57,096	52,453	0.918
FY93 ACTUAL	1993	301	136	24,402	24,839	15,883	3,146	766	249	7,301	872	53,056	52,363	0.986
FY92 ACTUAL	1992	282	37	25,458	25,777	19,974	3,372	1,129	167	5,321	569	56,309	55,651	0.988
FY91 ACTUAL	1991	193	63	21,304	21,560	13,941	2,713	588	169	5,051	820	44,842	49,038	1.093
FY90 ACTUAL	1990	227	109	23,336	23,672	14,627	3,300	732	369	5,834	1,094	49,628	46,425	0.935
FY89 ACTUAL	1989	193	149	20,838	21,180	12,902	3,298	1,342	418	5,074	1,243	45,457	42,532	0.935
FY88 ACTUAL	1988	202	161	20,640	21,003	12,427	3,455	1,006	470	4,475	920	43,756	40,117	0.916
FY87 ACTUAL	1987	199	145	19,254	19,598	11,736	3,564	755	443	4,308	728	41,132	37,081	0.901
FY86 ACTUAL	1986	166	175	17,042	17,383	10,602	3,328	612	611	3,815	608	36,959	34,491	0.933
FY85 ACTUAL	1985	152	172	15,397	15,721	9,126	3,500	543	522	3,293	632	33,337	32,410	0.972
FY84 ACTUAL	1984	176	175	15,048	15,399	9,256	3,058	534	499	2,878	506	32,130	31,730	0.987

#### V. <u>Legislative Recommendations</u>

When the Missouri State Public Defender System was established, the burden and expense of office space and utility services for local public defender offices was placed on the counties served by that office. That burden remains today in the form of RSMo 600 040 1 which reads:

The city or county shall provide office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel. If there is more than one county in a circuit or region, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service. The state shall pay, within the limits of the appropriation therefore, all other expenses and costs of the state public defender system authorized under this chapter.

The 89th General Assembly (1997) reinforced this statute with language in House Bill 5, appropriations for the expenses, grants, refunds, and distributions of the Office of Administration for the period beginning July 1, 1997 and ending June 30, 1998, Section 5.365. To the Office of Administration

For paying an amount in aid to the counties that is the net amount of costs in criminal cases, transportation of convicted criminals to the state penitentiaries, and costs for reimbursement of the expenses associated with extradition, less the amount of unpaid city or county liability to furnish public defender office space and utility services pursuant to Section 600.040 RSMo.

The Missouri State Public Defender System is carefully monitoring the office space challenge to determine if this new incentive will inspire some reluctant county governments to provide adequate office space for the local public defender offices.

When the Missouri State Public Defender System was first established and RSMo 600.040.1 was first enacted, public defender services in most areas of the state were provided through private attorneys who had contracted with Missouri's Public Defender System to provide such services. Since these private contract counsel provided services from their private offices, county governments did not have to provide office space and utilities.

In 1989, a major reorganization of the state public defender system did away with the private contract counsel system. In fiscal years 1990 and 1991, the Missouri State Public Defender System greatly expanded its number of local offices and replaced the

previous contract system in its entirety. Although this reorganization greatly changed the number of local offices, the manor of funding office rent and utilities for these offices was not changed.

Today, some county governments provide public defender office space in county courthouses or other county facilities, some counties rent office space and pay their pro rata share of that rent as required by statute. Some counties, strapped for office space for their own county officials, provide woefully inadequate space in county facilities. Some county governments provide no office space at all and refuse to provide rented office space outside county facilities.

The problem is sure to get worse in the future. Projecting a conservative increase in caseload, Missouri's Public Defender System will handle over 102,972 cases by the year 2002. More cases will mean more personnel. Under the current statute, perhaps even with the added incentive, Missouri' Public Defender Commission is unable to establish and/or expand offices as needed.

In summary, the physical plant of local public defender offices varies greatly, depending upon the ability and/or willingness of local county governments to provide office space. Some public defender offices have adequate space, which greatly enhances their efficiency, while other offices have woefully inadequate space and their ability to effectively and efficiently accomplish their mission is greatly reduced.

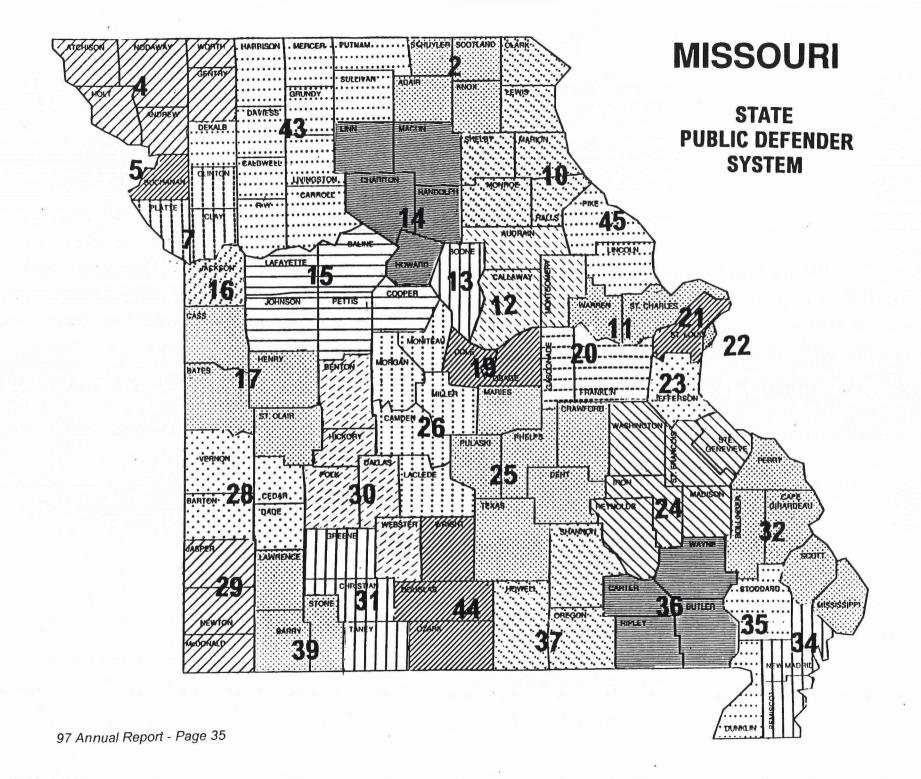
The State Public Defender System will continue to work with all counties to provide the office space needed as required by RSMo 600.040.1. Status reports of success and failures will be presented to the Legislature and Governor as the year progresses.

#### VI. <u>Alternative Sentencing Program</u>

The primary objective of the Public Defender Alternative Sentencing Program is to reduced the inappropriate incarceration of individuals in Missouri's overcrowded prisons. Creative sentencing, for inmates who would not be a threat to society, could result in a community punishment rather than joining the ranks of the rising prison population. These plans incorporate such elements as supervision, employment, community services, mental and medical treatment components and payments of restitution.

Alternative Sentencing FY97 Caseload Statistics	S	
Sentencing with Full Alternative Sentencing Plan	353	55%
Clients Placed on Inactive Status	126	24%
Mitigation Reports	7	6%
Client Treatment Placements	42	13%
Deferred Prosecution Plans	102	1%

In Fiscal Year 1997, Governor Carnahan recommended and the Legislature approved General Revenue funding to continue this cost saving program.



# MISSOURI STATE PUBLIC DEFENDER COMMISSION

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#### MISSOURI STATE PUBLIC DEFENDER SYSTEM

# DIRECTOR, DEPUTY DIRECTOR & DIVISION DIRECTORS

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Trial Division Director, Peter Sterling
Appellate/PCR Division Director, Lew Kollias
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Capital Litigation Division Director, Karen Kraft Shell Building, Suite 410 1221 Locust Street St. Louis, MO 63103 314-340-7662 FAX: 314-421-0829

Training Division Director, Cathy Kelly
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Kirksville, MO 63501
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Area 23 -- Jefferson County

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#### Area 28 -- Barton, Cedar, Dade, Vernon Counties

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#### Area 31 -- Christian, Greene, Taney Counties

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#### Area 49 -- St. Louis City

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#### S.W. District -- Greene County

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#### APPELLATE/PCR DIVISION

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#### **Eastern District**

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